

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Board of Trustees of the Plumbers, Pipefitters)	Case No. 13-CV-0004
& Mechanical Equipment Service, Local)	
Union No. 392 Pension Fund, et al.,)	Judge Michael R. Barrett
Plaintiffs,)	
-v-)	<u>NOTICE OF APPEAL</u>
Susan L. Humbert dba Genesis Mechanical, et)	
al.,)	
Defendants.)	

NOTICE IS HEREBY GIVEN that Defendants Steve Reece and Genesis Mechanical Services, Inc. hereby appeal to the United States Court of Appeals for the Sixth Circuit from the Opinion and Order granting Plaintiffs' Motion for Summary Judgment and denying Defendants' Motion for Summary Judgment, entered in this action on the 23rd day of February, 2016 [DE # 61].¹

Dated this 24th day of March, 2016.

¹ Defendants do not believe the foregoing Opinion and Order entered by this Court constitutes a final appealable order under 28 U.S.C. § 1291, as the issue of the scope and amount of damages has yet to be determined. Also, because Defendants have filed a timely Rule 59(e) Motion for Reconsideration and/or Clarification, which is currently pending before this Court, the time period for filing a notice of appeal is tolled pursuant to Fed. R. App. P. 4(a)(4)(A). To avoid dispute, however, Defendants are filing this Notice of Appeal within 30 days of the Court's Opinion and Order, and such Notice will become effective upon the Court's disposition of the pending Rule 59(e) Motion for Reconsideration and/or Clarification pursuant to Fed. R. App. P. 4(a)(4)(B)(i) and/or the entry of final judgment concerning damages.

Respectfully submitted,

/s/ Paul D. Dorger

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CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2016 the foregoing is being filed with the Clerk of Court of the U.S. District Court, Southern District of Ohio, using the electronic case filing system of the Court, which electronically will send a "Notice of Electronic Filing" to the following attorneys of record, who have consented to accept such a Notice as service of this document by electronic means:

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/s/ Paul D. Dorger

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